

P36195US

## DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT OR CIP APPLICATION)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREPOLYMER COMPOSITION FOR INSULATING FOAMS

the specification of which: (complete (a), (b) or (c) for type of application)

## REGULAR OR DESIGN APPLICATION

- (a) ☒ is attached hereto.  
(b) ☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_

## PCT FILED APPLICATION ENTERING NATIONAL STAGE

(c) ☒ was described and claimed in International Application No. PCT/EP94/00385 filed  
on February 10, 1994 and as amended on August 9, 1995 as Preliminary  
Amendment A

## ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose the information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a).

☐ In compliance with this duty there is attached an information disclosure statement. 37 C.F.R. 1.97.

## PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.  
(e) ☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION

Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)	Priority Claimed
NA				<input type="checkbox"/> YES NO <input type="checkbox"/>
				<input type="checkbox"/> YES NO <input type="checkbox"/>
				<input type="checkbox"/> YES NO <input type="checkbox"/>

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION

NA

# CONTINUATION-IN-PART

3548.04

(complete this part only if this is a continuation-in-part application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

## POWER OF ATTORNEY

As a named inventor, I hereby appoint HOWARD M. PETERS, Register No. 29,202, HANA DOLEZALOVA, Register No. 30,518, HUGH D. FINLEY, Register No. 27,548, ALLSTON L. JONES, Register No. 27,906, JANIS O. BIKSA, Register No. 33,648, and MICHAEL N. BERG, Register No. 32,195 all of the address listed below, my principal attorney and agents, with full power of substitution and revocation, to appoint other principal and associate attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

## SEND CORRESPONDENCE TO:

**PHILLIPS, MOORE, LEMPIO & FINLEY**  
 385 Sherman Avenue, Suite 6  
 Palo Alto, CA 94306-1840  
 Telephone No.: (415) 324-1677

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole or first inventor MATHIAS PAULS  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship Germany and Switzerland  
 Residence Mooshaldenstrasse, 9050 Appenzell, Switzerland  
 Post Office Address Appenzell, Switzerland

Full Name of second joint inventor, if any RENE SCHUMACHER  
 Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship Switzerland  
 Residence Stelzenrebenstrasse, 9403 Goldach, Switzerland  
 Post Office Address Goldach, Switzerland

## CHECK PROPER BOX(ES) FOR ANY ADDED PAGE(S) FORMING A PART OF THIS DECLARATION

- ☐ Signature for third and subsequent joint inventors. Number of pages added \_\_\_\_\_.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. 1.47. Number of pages added \_\_\_\_\_.

Applicant or Patentee: Rathor AG  
Serial or Patent No.: 08/ 501,020  
For: PREPOLYMER COMPOSITIONS FOR INSULATING FOAMS

Atty.'s Do. No.: 3548.04 HP  
Date Filed or Issued: August 9, 1995

**DECLARATION CLAIMING SMALL ENTITY STATUS**  
**[37 C.F.R. 1.9(f) and 1.26(c)] - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Rathor AG  
ADDRESS OF CONCERN: Rütistrasse, 9050 Appenzell, Switzerland

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 1.21.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled PREPOLYMER COMPOSITIONS FOR INSULATING FOAMS by inventor(s)

Mathias Pauls and Rene Schumacher  
described in

- ☐ the specification filed herewith  
☒ application serial no. 08/ 501,020, filed August 9, 1995, U.S. Express Mail Cert. TB801780749  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a non profit organization under 37 C.F.R. 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Mathias Pauls  
TITLE OF PERSON OTHER THAN OWNER Managing Director  
ADDRESS OF PERSON SIGNING Mooshaldenstrasse 9050 Appenzell, Switzerland

SIGNATURE [Signature] DATE 28.11.95

RECORDATION FORM COVER SHEET  
PATENTS ONLY

3548.04

P36195US

To the Honorable Commissioner of Patents and Trademarks:  
Please record the attached original documents or copy thereof.

jc542 U.S. PTO  
09/437276

11/10/99

1. Name of conveying party(ies):

Mathias Pauls  
Rene Schumacher

Additional name(s) of conveying party(ies)  
attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Rathor AG

Internal Address: a Swiss company having a place of business at

Street Address: Rubenstrasse

9050 Appenzel

Country: Switzerland

ZIP: \_\_\_\_\_

Additional name(s) & address(es)  
attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger

☐ Security Agreement ☐ Change of Name

☐ Other \_\_\_\_\_

Execution Date: September 8, 1995  
September 11, 1995

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)  
08/501,020

B. Patent No.(s)

, Filed August 9, 1995.

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence  
concerning document should be mailed:

Name: Howard M. Peters

Internal Address: Phillips, Moore, Lempio & Finley

Street Address: 385 Sherman Avenue, Suite 6

City: Palo Alto State: California ZIP: 94306-1840

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41): ..... \$ 40.00

☒ Enclosed

☒ Authorized to be charged to deposit account (as needed)

8. Deposit account number:

16-1560

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement of Signature

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Howard M. Peters (Reg. No. 29,202)  
Name of Person Signing

Howard M. Peters  
Signature

October 10, 1995  
Date

ASSIGNMENT

THIS ASSIGNMENT, having an effective date of Aug. 9., 1995, by **MATHIAS PAULS**, residing at MOOSHALDENSTRASSE, 9050 APPENZELL, SWITZERLAND and **RENE SCHUMACHER**, residing at STELZENREBENSTRASSE, 9403 GOLDACH, SWITZERLAND (hereinafter referred to as the assignors), witnesseth:

WHEREAS, WE, **MATHIAS PAULS** and **RENE SCHUMACHER** have invented a new and useful improvement in

**PREPOLYMER COMPOSITIONS FOR INSULATING FOAMS**

as claimed in PCT Application No. PCT/EP94/00385, filed February 10, 1994 and U.S. Patent Application Serial No: 08/ 501020 , filed August 9, 1995, U.S. Express Mail Cert. No: TB801780749.

AND WHEREAS, **RATHOR SG**, a Swiss corporation with a place of business at Rütistrasse, 9050 Appenzell, Switzerland, desires to acquire all rights to the invention in the above-named application;

NOW, THEREFORE, for valuable consideration received, we hereby sell, assign and transfer to **RATHOR AG** of Appenzell, Switzerland, its successors and assigns, all right, title and interest in and to said invention in the United States and in all countries throughout the world, including all right, title and interest in and to the above-named application and any continuation, substitute, division or reissue application thereof, and the patent or patents which may be issued thereon in the United States, and in and to any application or patent in any or all other countries of the world, and the right to file further applications in all countries throughout the world;

AND we hereby agree that we will, upon request, execute any instrument which **RATHOR AG** desires to carry to Assignment into effect and to perfect the title transferred hereby or to prosecute any of the above-mentioned United States applications or any foreign applications on this invention;

AND the Commissioner of Patent and Trademarks of the United States is hereby authorized to issue Letters Patent on the said above-named application to **RATHOR AG**.

IN TESTIMONY WHEREOF, we have hereunto subscribed our names:

DATED: 20 Sep 1995

  
\_\_\_\_\_  
MATHIAS PAULS

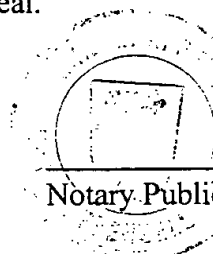
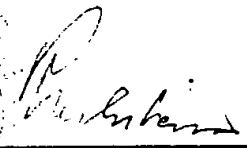
Country of Switzerland )

) ss

City of Appenzell )

On 20<sup>th</sup> Sep ~~August~~ 1995, before me Willh. Ruckenstein, Notar, a Notary Public in and for said County and City, residing therein, duly commissioned and sworn, personally appeared **MATHIAS PAULS**, who is known to me, or who proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within Assignment, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

   
\_\_\_\_\_  
Notary Public *Willh. Ruckenstein*

PATENT  
P 36 195 US (TH/LK)

DATED: 11. Sep. 1995

*R. Schumacher*  
RENE SCHUMACHER

$$\left. \begin{array}{l} ) \\ ) \\ ) \end{array} \right\} \text{SS}$$

City of Goldach

On Sept. 11.  
~~August~~, 1995, before me Will. B. Perkins, London, Ky., a Notary Public  
in and for said County and City, residing therein, duly commissioned and sworn, personally  
appeared **RENE SCHUMACHER**, who is known to me, or who proved to me on the basis of  
satisfactory evidence, to be the person whose name is subscribed to the within Assignment, and  
acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Notary Public

HMP/eb.1